



**BUILDING AND STANDARDS COMMISSION
MINUTES**

**REGULAR MEETING
Wednesday, April 23, 2014**

The Building and Standards Commission convened in a regular meeting on Wednesday, April 23, 2014, at City Hall, in the Boards and Commission Room, 301 West 2nd Street, Austin, Texas.

Madam Chair, Ethelynn Beebe called the Commission Meeting to order at 6:37 p.m.

Commission Members in Attendance:

Ethelynn Beebe, Chair; Tim Hill; David Brown, Vice-Chair; Steven Alloway; Charles Cloutman

Staff in Attendance: Christopher Moore - Building & Standards Commission Coordinator; Patricia Link - Assistant City Attorney; Carl Smart - Director Code Compliance Department; Don Birkner - Assistant Director, Code Compliance; Robert Alvarado - Assistant Division Manager; Terri Roberts - Division Manager; Merlinda Coleman - Program Specialist; Carlos Longoria - Code Compliance Inspector; Luis Gonzalez - Code Compliance Inspector; Mike Carter - Code Compliance Inspector.

1. CITIZEN COMMUNICATION: GENERAL

- a. Stuart Hersh spoke regarding recent rulings here and at the Planning Commission Codes and Ordinances Committee by the City Attorney.

2. APPROVAL OF MINUTES

Consensus was to delay consideration of the February, 26 2014 and March 26, 2014, minutes until the May meeting.

3. PUBLIC HEARINGS

- a. Appeal Cases
 - i. 1311 Walnut Avenue; La Sabana, LLC
CL # 2014-037201

1311 Walnut Avenue is a single-family residential structure. The case was presented by Teresa Andrade, past property owner; Christina Valdez, realtor; Alejandro Puyana, current property owner; Luis Gonzalez, inspector; and Robert Alvarado, Assistant Manager, East Division. Property was left open and unsecured and was legally boarded and secured by Code Compliance. The appeal is about the time frame not allowed to complete the required remedy, which was to board and secure the structure.

Motion was made by Commissioner Hill to deny the appeal and modify the collective penalties to just reflect the cost of the board-and-secure and eliminate administrative fees. Commissioner Cloutman seconded. Vote was taken; motion passed unanimously.

- ii. 809 East 9th Street; Mary H. Lopez
CL # 2014-035550

809 East 9th Street is a single-family residential structure. The case was represented by Mary Helen Lopez, owner; Mark Rogers from a nonprofit interested in developing the property; and Mike Carter, Code Compliance Inspector. The property is currently vacant, boarded and secured. The appeal is not about violations but rather about the property owner's request for 6 months to bring the property into compliance. Staff feels this is not a valid reason for appeal and appeal should be denied. Code recommends the Commission defer action on the appeal and case and require the owner to provide a plan to show how the owner plans to bring property into compliance at next month's hearing.

Staff recommended the following to the Commission: that the Commissioners start over again with a new review and a new recommended order and will only deal with the recommended order and not deal with the appeal. The appeal was tabled.

Staff recommends an order that the Commission adopt the findings of fact and conclusions of law for this property and the case be placed in abeyance until the next hearing, when an order will possibly be sought. As the owner has a detailed comprehensive plan which Code requests the owner provide that plan and they will need time to review it.

A motion was made by Commissioner Hill to accept staff's recommendations. Vice-Chair Brown seconded. A vote was taken; the motion passed unanimously.

B. RETURNING CASES:

- i. 2106 Pennsylvania Avenue; Caitlin Riley
CL # 2010-069048

The case was first presented to the Commission in 2010. At that time an order for repair with civil penalties was issued by the Commission. Present were Caitlin Riley, owner; Lori Bock, owner's mother; Michelle Williams, owner's attorney; Chris Sackett, interested party and broker in transaction; and Ken Campbell, interested party.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Madam Chair Beebe and Commissioner Cloutman requested clarification of city attorney as to need to recuse themselves due to conflicts. Ms. Link asked that the case be tabled for five minutes so that she could verify; the Chair agreed. After researching the issue, Ms. Link defined what is a conflict, and under that definition Chair and Commissioner Cloutman do not have a conflict.

The case is being returned due to buyer asking for additional relief beyond what has already been given from the accrued penalties, though buyer was aware of a binding order issued by the Commission when property was purchased. Since 2010 property was sold, structures demolished, and compliance achieved but not until June 2013. Penalties did accrue and are still outstanding in excess of 35,000.

Staff feels the order should stand, but as a goodwill gesture Director Smart agreed to offset the \$35,392.86 by the cost of demo by the new owner by \$8,327, leaving the amount owed to the City is \$27,065.86. Therefore, Code recommended the following to the Commission: the existing order filed September 3, 2010 against the property not be amended and all civil penalties of \$27,065.86 be paid.

Director Smart recommends a further reduction of 50 percent of the remaining amount of \$27,065.86. This further reduction is in the interest of fairness and based on the city getting compliance with structures being demolished. While the buyer took care of the lien at closing, she did not understand the order and it was not taken care of due to a misunderstanding. The Chair expressed that Austin Title should be responsible for obtaining such information by researching records, rather than relying on emails and phone calls.

After further discussion, Commissioner Cloutman made a motion to accept Director Smart's amended recommended order, findings of fact and conclusions of law of a 50 percent reduction in balance, which equals civil penalties of \$13,532.93 owed by buyer to the City of Austin. Vice-Chair Brown seconded. Vote was taken; the motion passed unanimously.

C. NEW CASES:

- i. 2100 Scofield Lane; Linda Greenwood (deceased) and known heirs
CL # 2014-036154

2100 Scofield Lane is a single-family residential structure that's currently vacant and not homesteaded. The case was presented by Inspector Carlos Longoria.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusion of Law for the property and order the following: the necessary permits be secured; order repaired within 30 days from the date the order is mailed; order all repairs or modifications to meet or exceed the qualifications of all applicable codes; order owner or owner's representative to request inspection to verify compliance; and after 30 days a penalty of \$250 per week shall be assessed until work is completed and final inspections passed. Owner is deceased; there is no mortgage on property. Heirs are either uninterested or unable to be contacted. Staff will research.

Commissioner Hill made a motion to accept staff's recommended order and Findings of Facts, with a request for staff to bring it back to the Commission or to take whatever action necessary after 90 days if no activity has happened. Vice-Chair Brown seconded. Vote was taken; motion passed unanimously.

4. BRIEFING, DISCUSSION AND POSSIBLE ACTION

- a. Expedited permits to alleviate substandard & dangerous conditions:

Director Greg Guernsey with City's Planning, Development and Review Department reported expedited permits for Buildings and Standards Commission were created in response to the Commission's request acknowledging actions of this board will be brought to his attention and acted upon in a timely manner. The SOP implements an expedited plan review to expedite issuance of permits and assist property owners in implementing an order from the BSC.

Stuart Hersh commented on his agreement with staff on goals. He has three code amendments and requests the Commission circle back to City Council on its resolution on three topics: to implement the October 3 resolution should we expand the size of the Commission, should we institute for the first time annual permits and should we modify the existing amnesty certificate of occupancy provisions. He feels this will result in a cost savings and better outcomes. Madam Chair Beebe stated Mr. Hersh's recommendation is not timely in the process right now; they will look at his recommendations later.

Madam Chair Beebe asked that a very brief presentation be made at the May meeting on what direction the Legal Department is taking in response to the annual permit and the amnesty issues and that staff review Mr. Hersh's two proposals and bring their assessment and recommendations to the May meeting.

Motion was made by Commissioner Hill, regarding Director Guernsey's presentation, that in the future the Commission respond to Council that a procedure has been created. Commissioner Cloutman seconded. A vote was taken; the motion passed unanimously.

- b. Staff's proposed changes to Commission Rules & Regulations:

Motion was made by Commissioner Hill to postpone this item until the May meeting. Commissioner Cloutman seconded. A vote was taken; the motion passed unanimously.

5. FUTURE AGENDA ITEMS

- a. Staff's proposed changes to Commission Rules & Regulations.
- b. Approval of February 26, 2014 and March 26, 2014 minutes.

6. ADJOURNMENT

With motion made by Commissioner Hill and seconded by Commissioner Cloutman, the Commission meeting was adjourned by the Chair at 9:55 p.m.